

REMARKS

Claims 29 and 30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection and are not directed at distinguishing the present invention from the art of record in this case.

The Examiner states that an issue concerning the public use or on sale activity has been raised in this application and that additional information regarding this issue is required for the Examiner to properly consider the patentability of the claimed subject matter under 35 U.S.C. §102 (b).

Specifically the Examiner requests information regarding the publication date of or the public sale date of the non-patent literature documents listed in the Information Disclosure Statement filed October 27, 2005. The Examiner then suggests providing an affidavit or declaration with regard to the above.

As suggested, the Applicant is providing a signed declaration under 37 C.F.R. § 1.131, which includes information regarding the publication date and the public sale date of the two noted non-patent literature documents. In short, the Applicant declares that the claimed priority date March 28, 2003 of the United Kingdom Patent Application No. GB-0307202.2 predates the publication date of these documents and the public sale date of the Küster highchair contained thereon. As such the Applicant respectfully requests the removal of these documents as possible prior art references.

Furthermore, the Applicant would like to point out that the disclosure and drawings of both the PCT Application No. PCT/GB2004/001393 and the U.S. Application No. 10/554,592

are essentially identical to the disclosure and drawings of the Certified Copy of the Foreign Priority Application No. 0307202.2, filed in the United Kingdom Patent Office on March 28, 2003. This Certified Copy of the Foreign Priority Application No. (GB) 0307202.2, was filed in the U.S. Patent Office on October 27, 2005 together with the claim for foreign priority and a copy is also attached for review. The Applicant asserts that all the claimed subject matter of U.S. Application No. 10/554,592 is entitled to the March 28, 2003 priority date of United Kingdom Application No. 0307202.2.

In view of the above amendments, remarks and the attached declaration filed under 37 C.F.R. § 1.131, the Applicant respectfully requests that all of the raised rejections should be withdrawn at this time and an early Notice of Allowance, is courteously solicited.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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